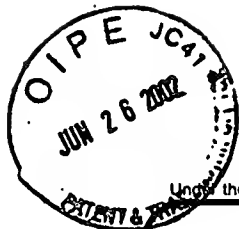


3641



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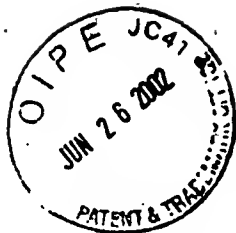
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/996,244	
	Filing Date	November 28, 2001	
	First Named Inventor	Daniel Richard Schaefer, et al.	
	Group Art Unit	3641	
	Examiner Name	Behrend, Harvey E.	
Total Number of Pages in This Submission	6	Attorney Docket Number	594826-001C1

ENCLOSURES <i>(check all that apply)</i>				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <div style="text-align: center; font-weight: bold;">Return Post Card</div>		
<table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Remarks</td> <td>The Commissioner is hereby authorized to charge any additional fees required (including the fee for any extension of time), or to credit any overpayment, to Deposit Acct No.: 20-0809.</td> </tr> </table>			Remarks	The Commissioner is hereby authorized to charge any additional fees required (including the fee for any extension of time), or to credit any overpayment, to Deposit Acct No.: 20-0809.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thompson Hine LLP 2000 Courthouse Plaza NE, 10 West Second Street Dayton, Ohio 45402-1758
Signature	
Date	6-20-02

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>6-20-02</u>			
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#7/Declaration
7/11/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Daniel Richard Schaefer, et al.
Serial No. : 09/996,244
Filed : November 28, 2001
Title : TRAPPING AND STORAGE OF FREE THERMAL NEUTRONS IN
FULLERENE MOLECULES
Docket : 594826-001C1
Examiner : Behrend, Harvey E.
Art Unit : 3641

Assistant Commissioner of Patents
Washington, D.C. 20231

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GROU...

Sir:

SECOND DECLARATION OF JOSEPH W. TALNAGI under 37 C.F.R. §1.132

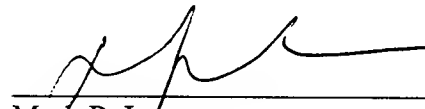
Attached hereto is a Second Declaration of Joseph W. Talnagi under 37 C.F.R. §1.132. It is the purpose of this Declaration to address the rejection under 35 USC §112 that was affirmed by the Board of Patent Appeals and Interferences in the parent application. In affirming the rejection under 35 USC §112, the Board stated that the applicants had not submitted evidence to establish that the beta emission that the applicants observed was beta emission from a thermal neutron trapped in the fullerene molecule as opposed to a beta emission from some other beta emitter. In the Declaration Dr. Talnagi indicates that he identified other potential sources of the beta emission he observed (which is characterized by a half life of approximately 10 minutes) and he is able to confirm that they are not the source of the beta emission.

The Board also affirmed the §112 rejection on the basis that the teachings in the application do not insure that the thermal neutrons are in fact within the fullerene molecule as opposed to being at some other location. Dr. Talnagi addresses this argument and concludes that the central cavity of the fullerene molecule is the only location in which the thermal neutrons could be captured and be capable of emitting the beta emission having the characteristic half life of about 10 minutes.

In view of the Talnagi Affidavit, the applicants submit that the rejection under 35 USC §112 should be withdrawn. In this regard, the applicants note that in Dr. Talnagi's First Declaration, he attests to the fact that when the teachings in the application are followed, fullerenes having a beta emission characteristic of a thermal neutron are obtained. Now, in this Second Declaration, he additionally confirms that the beta emission he observes is not due to any other source that he is aware of and that the thermal neutron is only able to emit this characteristic radiation under these circumstances if it is trapped within the central cavity of the fullerene.

In view of the foregoing, the applicants solicit an early indication of allowance.

Respectfully submitted,



Mark P. Levy
Reg. No. 27,922

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